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HSBC MORTGAGE CORPORATION (USA) AND
7 HSBC BANK USA, N.A.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 Philip Wong, Frederic Chaussy, and Leslie
Marie Shearn, individually, on behalf of all
13 others similarly situated, and on behalf of
the general public,

14 Plaintiffs,

15 v.

16 HSBC Mortgage Corporation (USA);
HSBC Bank USA, N.A.; and Does 1
17 through 50, inclusive,

18 Defendants.

Case No. C 07 2446 MMC [ECF]

**DECLARATION OF EVETTE MONTEITH
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR CONDITIONAL CERTIFICATION,
PRODUCTION OF UPDATED CLASS
LIST, AND PARTIAL SUMMARY
JUDGMENT**

Date: February 8, 2008
Time: 9:00 a.m.
Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Complaint Filed: June 29, 2007 (Amended)
Trial Date: Not Yet Set

1 I, Evette Monteith, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,
3 I could and would testify to the following:

4 2. I am a senior retail mortgage consultant employed by HSBC Mortgage
5 Corporation USA ("HSBC Mortgage") in the state of New York. My employer's name "HSBC
6 Mortgage Corporation USA" appears on my work-related documents, including my business cards.
7 I have worked for HSBC Mortgage as a mortgage consultant since 2001, and for an additional 3
8 years before 2001, when the company operated under a different name. I am paid by HSBC
9 Mortgage on a draw plus commission basis.

10 3. HSBC Mortgage sells mortgages. My job duties include traveling to various
11 locations to speak with clients, securing and reviewing information regarding clients' income and
12 assets, determining which mortgage products are appropriate for each client, and making mortgage
13 sales for HSBC Mortgage. After I take the initial application and meet with the client to explain his
14 or her mortgage options, I submit the application to HSBC Mortgage's processing department. The
15 processing department takes it from there and does the paperwork related to the mortgage and
16 closing.

17 4. Although HSBC Mortgage sells various mortgage products and mortgage
18 consultants can sell any of them, I focus my business on selling one particular mortgage product.
19 The mortgage product that I focus on is a Community Reinvestment Act discounted mortgage for
20 first time home buyers. I work with a lot of clients whose credit is not initially high enough to
21 qualify for a mortgage. I refer those clients to non-profit organizations for help on improving their
22 credit, and once they are ready for a mortgage, I sell them the product that best fits their needs.

23 5. I get most of my clients through referrals. A lot my referrals come from non-
24 profit organizations and former clients. I get some referrals during seminars on discounted
25 mortgages that we conduct together with various non-profit organizations. I also get some of my
26 referrals from various branches of HSBC Bank USA ("HSBC Bank"), which is a client of HSBC
27 Mortgage. HSBC Bank clients interested in a mortgage contact me directly after looking at HSBC
28 Mortgage material that is available at the various bank branches. Sometimes I also get calls from

HSBC Bank branches when a bank customer expresses interest in a mortgage. When I receive such a call, I travel to meet with the client at whatever location the client wishes to meet.

6. On a busy day, I see about five clients. On a slower day, I see two or three clients. I do my own scheduling and make my own decisions regarding the number of clients I see each day and when and where I meet them. There are no requirements regarding the number of clients I have to see, and I do not have to report to my manager daily regarding the number of clients I have seen.

7. Once I meet with a client, I do the analysis of the client's financial situation and make the decision regarding the best products that I can offer him or her. HSBC Mortgage does not supervise me during this process, and I do not have to go to anyone on a different level to obtain approval before I offer mortgage products to a client.

8. Once I decide which products best fit a client's need, I describe to the client the range of mortgage products that I can offer him or her, explain why I think they fit his or her needs, clarify the documents and procedure, and help him or her to make a decision.

9. I spend more than half of my time traveling all over Brooklyn and Queens to meet with clients, including to the non-profit organizations that I work with and clients' places of business. Occasionally I meet with clients at one of two HSBC Bank Branches. I am not required to spend any set amount of time in the branches and do not go there more than two days a week. I make myself available to meet with clients at the location that is convenient for them.

I declare under penalty of perjury under the laws of the States of California and the laws of the United States of America that the foregoing declaration is true and correct to the best of my personal knowledge.

Executed this 18th day of January, 2008, in Bay Shore, New York.

EVETTE MONTHITH